

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

PURVIS RAY CARTWRIGHT §
VS. § CIVIL ACTION NO. 1:07cv734
JOHN B. FOX §

MEMORANDUM ORDER OVERRULING PETITIONER'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Purvis Ray Cartwright, an inmate confined at the Federal Correctional Complex in Beaumont, Texas, proceeding *pro se*, brought this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends the petition be dismissed.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence. Petitioner filed objections to the magistrate judge's Report and Recommendation.

A *de novo* review of the objections in relation to the pleadings and the applicable law has been conducted. See FED. R. CIV. P. 72(b). After careful consideration, the court concludes petitioner's objections should be overruled.

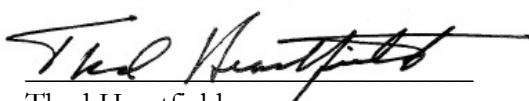
Petitioner argues he should be allowed to attack his conviction; however, the petition does not meet the criteria

required to support a claim under the savings clause of 28 U.S.C. § 2255. See *Padilla v. United States*, 416 F.3d 424 (5th Cir. 2005); *Reyes-Requena v. United States*, 243 F.3d 893 (5th Cir. 2001). Therefore, petitioner's objections should be overruled.

O R D E R

Accordingly, Petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendations.

SIGNED this the 21 day of July, 2009.



Thad Heartfield
United States District Judge